UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	No. 4:10-cr-00459-3
	§	
V.	§	JUDGE KENNETH M. HOYT
	§	
	§	
EFRAIN RODRIGUEZ-MENDOZA,	§	
	§	*This is a Capital Case*
Defendant.	§	

SCHEDULING ORDER FOR PROCEEDINGS
FOLLOWING DISPOSITION OF *ATKINS* CLAIM

Filing(s)/Hearing(s)	Party	Deadline
Notice under Rule 12.2(a) and (b) (Guilt-Innocence and Penalty Phases)	Rodriguez-Mendoza	8/1/22
Response to Rule 12.2(a) and (b) Notice (Guilt-Innocence and Penalty Phases)	Government	9/1/22
Dispositive Pretrial Motions (Penalty Phase)[1]	Rodriguez-Mendoza	9/15/22
Motions to Suppress Statements and Physical Evidence	Rodriguez-Mendoza	9/15/22
Remaining Pretrial Motions (Guilt-Innocence Phase)[2]	Government and Rodriguez-Mendoza	9/15/22
Joint Proposed Procedures re: Government Penalty Phase Mental Health Evaluation(s) under Rule 12.2(c)	Government and Rodriguez-Mendoza	9/15/22
Motion re: Procedures for Government Penalty Phase Mental Health Evaluation(s)	Government	9/15/22

---

[1] This entry includes motions other than claims of intellectual disability where the relief requested would render the defendant ineligible for the death penalty.

[2] This entry includes motions addressing exclusively guilt-innocence phase issues that do not fall into the other entries in this order.

under Rule 12.2(c) (if no agreement can be reached)		
Notice of F.R.E. 404(b) Evidence	Government	9/15/22
Disclosure of Outline of Evidence in Support of Statutory and Nonstatutory Aggravating Circumstances	Government	9/15/22
Response to Dispositive Pretrial Motions (Penalty Phase)	Government	10/17/22
Response to Motions to Suppress Statements and Physical Evidence	Government	10/17/22
Response to Remaining Pretrial Motions (Guilt-Innocence Phase)	Government and Rodriguez-Mendoza	10/17/22
Response to Motion re: Procedures for Government Penalty Phase Mental Health Evaluation(s)	Rodriguez-Mendoza	10/17/22
Reply re: Dispositive Pretrial Motions (Penalty Phase)	Rodriguez-Mendoza	11/1/22
Reply re: Motions to Suppress Statements and Physical Evidence	Rodriguez-Mendoza	11/1/22
Reply re: Procedures for Government Penalty Phase Mental Health Evaluation(s)	Government	11/1/22
Reply re: Remaining Pretrial Motions (Guilt-Innocence Phase)	Government and Rodriguez-Mendoza	11/1/22
Deadline to Complete Government Testing for Rule 12.2 purposes (Guilt-Innocence Phase)	Government	11/1/22
Hearing/Oral Argument on Dispositive Pretrial Motions (Penalty Phase)	**Government and Rodriguez-Mendoza**	**11/15/22 at 9:00 a.m**
Hearing/Oral Argument on Motions to Suppress Physical Evidence and Statements	**Government and Rodriguez-Mendoza**	**11/15/22 at 9:00 a.m**

Hearing/Oral Argument re: Procedures for Government Penalty Phase Mental Health Experts	Government and Rodriguez-Mendoza	11/15/22 at 9:00 a.m.
Hearing/Oral Argument on Remaining Pretrial Motions (Guilt-Innocence Phase)	Government and Rodriguez-Mendoza	11/15/22 at 9:00 a.m.
Motion to Exclude 404b Evidence	Rodriguez-Mendoza	12/1/22
Daubert Motions	Government and Rodriguez-Mendoza	12/1/22
Non-Dispositive Pretrial Motions (Penalty Phase)[3]	Rodriguez-Mendoza	12/1/22
Motions *In Limine* (Guilt-Innocence and Penalty Phases)	Government and Rodriguez-Mendoza	12/1/22
Simultaneous Exchange of Expert Reports, Raw Data, Expert Notes, Materials Relied upon by the Experts (Guilt-Innocence Phase)	Government and Rodriguez-Mendoza	12/1/22
Response to Motion to Exclude 404b Evidence	Government	1/17/23
Response to *Daubert* Motions	Government and Rodriguez-Mendoza	1/17/23
Response to Non-Dispositive Pretrial Motions (Penalty Phase)	Government	1/17/23
Responses to Motions *In Limine* (Guilt-Innocence and Penalty Phases)	Government and Rodriguez-Mendoza	1/17/23
Reply re: Motion to Exclude 404b Evidence	Rodriguez-Mendoza	2/1/23
Replies re: *Daubert* Motions	Government and Rodriguez-Mendoza	2/1/23
Reply re: Non-Dispositive Pre-Trial Motions (Penalty Phase)	Rodriguez-Mendoza	2/1/23

---

[3] This entry includes motions where the relief requested would not render the defendant ineligible for the death penalty.

3

Replies re: Motions *In Limine* (Guilt-Innocence and Penalty Phases)	Government and Rodriguez-Mendoza	2/1/23
Hearing/Oral Argument on Motion to Exclude 404b Evidence	**Government and Rodriguez-Mendoza**	**2/15/23 at 9:00 a.m.**
Hearing/Oral Argument on *Daubert* Motions	**Government and Rodriguez-Mendoza**	**2/15/23 at 9:00 a.m.**
Hearing/Oral Argument on Non-Dispositive Pretrial Motions (Penalty Phase)	**Government and Rodriguez-Mendoza**	**2/15/23 at 9:00 a.m.**
Hearing/Oral Argument on Motions *In Limine* (Guilt-Innocence and Penalty Phases)	**Government and Rodriguez-Mendoza**	**2/15/23 at 9:00 a.m.**
Proposed Jury Questionnaires to the Government	Rodriguez-Mendoza	3/1/23
Parties Exchange List of Potential Witnesses	Government and Rodriguez-Mendoza	3/1/23
Response to Proposed Jury Questionnaires to the Defense	Government	3/15/23
Exchange of Trial Exhibits	Government and Rodriguez-Mendoza	3/15/23
Joint Proposed Jury Questionnaires with Joint Redlines and Supporting Briefs	Government and Rodriguez-Mendoza	4/8/23
Hearing/Oral Argument on Proposed Jury Questionnaires	**Government and Rodriguez-Mendoza**	**4/17/23 at 11:00 a.m.**
Juror Questionnaires and Neutral Statement of the Case mailed with summonses to potential jurors		4/21/23
Completed Juror Questionnaires Returnable to the Court and Provided to the Parties		5/19/23
Motions to Strike Potential Jurors for Cause	Government and Rodriguez-Mendoza	5/26/23
Response to Motions to Strike Jurors for Cause	Government and Rodriguez-Mendoza	6/2/23

4

Reply re: Motions to Strike Jurors for Cause	Government and Rodriguez-Mendoza	6/5/23
Hearing on Motions to Strike Potential Jurors for Cause	**Government and Rodriguez-Mendoza**	**6/8/2023 at 9:00 a.m.**
Oral *Voir Dire* Begins	**Government and Rodriguez-Mendoza**	**6/19/23 at 9:00 a.m.**
Anticipated beginning of Jury Trial	**Government and Rodriguez-Mendoza**	**7/19/23 at 9:00 a.m.**

IT IS SO ORDERED.

DATED: March **11**, 2021.

Kenneth M. Hoyt
United States District Judge

5